

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

In Re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO
RICO as representative of

THE COMMONWEALTH OF PUERTO RICO

Debtor

PROMESA

Title III

No. 17 BK 3283-LTS

In Re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO
RICO

as representative of

PUERTO RICO ELECTRIC POWER
AUTHORITY

Debtor

Title III

No. 17 BK 4780-LTS

MOTION REQUESTING HEARING ON 362 LIFTING OF THE STAY

TO THE HONORABLE COURT:

COMES NOW the Autonomous Municipality of Ponce, through its undersigned attorney hereby respectfully states as follows:

I. INTRODUCTION

1. The Autonomous Municipality of Ponce (Ponce) seeks the lifting of the stay in *Municipio de Ponce v. ACT*, Civil Case Number JAC1993-0485, before the Court of First Instance in Ponce. To that effect, it filed a motion requesting the lifting of the stay. The Commonwealth, PREPA and others oppose said request, advancing facts not supported by evidence and which

are controverted here.

II. RELIEF REQUESTED

2. The appearing creditors seeks a modification of the stay imposed by Section 362 of the Bankruptcy Code so that several projects may be completed by the different Commonwealth agencies and PREPA. Many of these projects involve the safety and the protection of the environment in Puerto Rico.

3. Moreover, at page 7, paragraph 12 of the Commonwealth's objection,(SEE DOCKET 3439) debtors state that they would have to disburse over \$100 million but do not provide any support to this statement. Mr. Varela-Dieppa, the Commonwealth Court's monitor shows in Exhibit 1 of the OMNIBUS REPLY TO OPPOSITION (see docket 3735) that this amount is grossly overstated. At page 6 of his declaration he states that the total disbursement of the remaining works is \$124,268,233.12, of which debtors would have to pay \$44,154,610.38, see pages 7-9 of Exhibit 1 which discusses in detail the amounts.

4. Movant AMP request, accordingly to the Federal Local Rule of Civil Procedure, 7 (f) and the Order Setting Briefing Schedule (see docket 3023); an evidentiary hearing to submit evidence even by testimonial of Monitor or documents of the reports made by debtor's attorneys before the stay in the "Ponce en Marcha" case.

5. Moreover, AMP request that if this Court grant the hearing, it must be held in Ponce Federal Courtroom as the hearing could become an ocular inspection of the allegations and evidence of the status of those projects.

WHEREFORE: movants requests the modification of the automatic stay for cause

Respectfully submitted on this 3rd of August, 2018.

CERTIFY: That on this same day, the ECF system sent a copy of this motion to all parties in this litigation.

Respectfully submitted,

/s/Carlos Fernández-Nadal
Carlos Fernández-Nadal, Esq.
USDC No. 209208
818 Hostos Ave. Ste. B
Ponce, PR 00716
Tel. (787) 848-4612 / 787-533-
6003
Fax (787) 395-7906
carlosfernandez@cfnlaw.com